

TRANSMITTAL FORM
FOR NATIONAL STAGE APPLICATIONS
FILED UNDER 35 U.S.C. §371

ATTORNEY DOCKET NO.

70078.0017USWO

BASED ON INTERNATIONAL APPLICATION NO.

PCT/FR04/00963

INTERNATIONAL FILING DATE

April 19, 2004

INVENTOR(S)

Anne-Gaelle Brachet et al.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/553,603

TITLE OF APPLICATION

**METHOD OF PREPARING DNA FRAGMENTS BY SELECTIVE FRAGMENTATION OF
NUCLEIC ACIDS AND APPLICATIONS THEREOF**

ADDRESS TO:

**Mail Stop: PCT
Commissioner for Patents
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

ENCLOSURES

- ☒ Transmittal Form For National Stage Applications Filed Under 35 U.S.C. §371
- ☒ Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 U.S.C. §371 (In Duplicate)
- ☒ Oath or Declaration of the Inventor(s) {35 U.S.C. §371(c)(4)}
- ☒ Sequence Listing - Paper Copy (11 Sheets)
- ☒ Sequence Listing - Computer Readable Form (1 Diskette)
- ☒ Statement Under 37 CFR 1.821-1.825 (1 page, executed)
- ☒ Change of Correspondence Address
- ☒ Supplemental Preliminary Amendment
- ☒ Notification of Missing Requirements (Return copy)
- ☒ Response to Notification of Missing Requirements
- ☒ Marked-up Drawings Figs. 4-1-4-3, 5-1-5-3, 6-1-6-3 and Fig. 7
- ☒ Return Postcard

☒ Please charge Deposit Account No. 13-2725 in the amount of \$130.00 to cover any required fees. In the event any variance exists between this amount and the Patent Office charges for filing the above-noted documents, including any fees required under 35 CFR 1.136 for any necessary extension of time to make the filing of the attached documents timely, please charge or credit the difference to Deposit Account No. 13-2725. Further, if these papers are not considered timely filed, then a request is hereby made under 37 CFR 1.136 for the necessary extension of time.

CORRESPONDENCE ADDRESS

☒ The address associated with Customer Number: **23552** OR ☐ the correspondence address below.

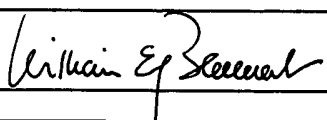
Name

Address

City


State

Zip Code

NAME	William E. Beaumont	REGISTRATION NO.		30,996	
SIGNATURE		DATE	September 29, 2006	TELEPHONE	202 326-0300
NAME		REGISTRATION NO.			

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. §371		ATTORNEY DOCKET NO. 70078.0017USWO
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/553,603
INTERNATIONAL APPLICATION NO. PCT/FR04/00963	INTERNATIONAL FILING DATE April 19, 2004	PRIORITY DATE CLAIMED April 18, 2003
TITLE OF INVENTION METHOD OF PREPARING DNA FRAGMENTS BY SELECTIVE FRAGMENTATION OF NUCLEIC ACIDS AND APPLICATIONS THEREOF		
APPLICANT(S) FOR DO/EO/US Anne-Gaelle Brachet et al.		
<p>Applicant herewith submits to the United States Designated Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. <input type="checkbox"/> The U.S. has been elected (Article 31). <input type="checkbox"/> A copy of the international application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated to the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has previously been submitted under 35 U.S.C. 154(d)(4). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated to the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11-20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input checked="" type="checkbox"/> A supplemental preliminary amendment. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. <input type="checkbox"/> A substitute specification. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). <input checked="" type="checkbox"/> Other items or information: <u>Sequence Listing (paper copy) (11 pages).</u> <u>Statement Under 37 C.F.R. 1.821-1825.</u> <u>Marked-up Drawings Figs. 4-1-4-3, 5-1-5-3, 6-1-6-3 and Fig. 7.</u> 		

ATTORNEY DOCKET NO. 70078.0017USWO	INTERNATIONAL APPLICATION NO. PCT/FR04/00963	U.S. APPLICATION NO. (if known) 10/553,603
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The following fees have been submitted:				CALCULATIONS	PTO USE
21. <input type="checkbox"/> Basic National Fee (37 CFR 1.492(a))				\$300	\$0.00
22. <input type="checkbox"/> Examination Fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the Int'l Preliminary Examination Report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$0	\$0.00
All other situations				\$200	
23. <input type="checkbox"/> Search Fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the Int'l preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)				\$0	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority				\$100	\$0.00
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB				\$400	
All other situations				\$500	
TOTAL OF 21, 22, AND 23 =					\$0.00
<input type="checkbox"/> Additional Fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). (\$250.00 per additional 50 sheets or fraction					\$0.00
Total Sheets	Extra Sheets	Number of each additional 50 sheets or fraction thereof (round up to whole no.)	RATE		
-100	/50=		x \$250		
<input checked="" type="checkbox"/> Surcharge of \$130.00 for furnishing any of the search fee, examination fee or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).					\$130.00
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims		0-20 =		x \$50 =	\$0.00
Independent Claims		0-3 =		x \$200 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM(S)				+ \$360 =	\$0.00
TOTAL OF ABOVE CALCULATIONS =					\$130.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				x 1.00	
SUBTOTAL =					\$130.00
<input type="checkbox"/> Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).					\$0.00
TOTAL NATIONAL FEE =					\$130.00
<input type="checkbox"/> Fee for recording the enclosed assignment(s) (37 CFR 1.21(h)). The assignment(s) must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31).					\$0.00
0 Properties x \$40.00/property =					
TOTAL FEES ENCLOSED =					\$130.00
130.00 DA					
Amount to be refunded:					\$
Amount to be charged:					\$130.00
<p>a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge Deposit Account No. 13-2725 in the amount of 130.00 to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-2725. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Merchant & Gould P.O. Box 2903 Minneapolis, MN 55402-0903 Telephone: (202) 326-0300 Facsimile: (202) 326-0778</p> <p style="text-align: center;"> SIGNATURE</p> <p style="text-align: center;">William E. Beaumont NAME</p> <p style="text-align: center;">30,996 REGISTRATION NUMBER</p> <p style="text-align: center;">September 29, 2006 DATE</p>					

10/04/2006 10:00:00 AM 00000125 132725 10553603
01 FC:1617



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/553,603	Anne-Gaelle Brachet	1169-041

INTERNATIONAL APPLICATION NO.

PCT/FR04/00963

22429
 LOWE HAUPTMAN BERNER, LLP
 1700 DIAGONAL ROAD
 SUITE 300
 ALEXANDRIA, VA 22314

**MERCHANT & GOULD
 RECEIVED**

AUG 14 2006

**mpls
 D.C. OFFICE**

I.A. FILING DATE	PRIORITY DATE
04/19/2004	04/18/2003

CONFIRMATION NO. 6009

371 FORMALITIES LETTER



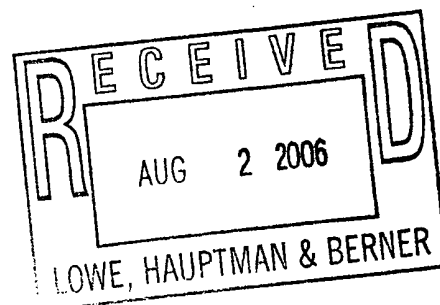
OC000000019810581

Date Mailed: 07/31/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/18/2005
- English Translation of the IA filed on 10/18/2005
- Copy of the International Search Report filed on 10/18/2005
- Preliminary Amendments filed on 10/18/2005
- Information Disclosure Statements filed on 10/18/2005
- U.S. Basic National Fees filed on 10/18/2005
- Priority Documents filed on 10/18/2005
- Specification filed on 10/18/2005
- Claims filed on 10/18/2005
- Abstracts filed on 10/18/2005
- Drawings filed on 10/18/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/553,603	PCT/FR04/00963	1169-041

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS		ATTORNEY DOCKET NO. 70078.0017USWO	
		U.S. APPLICATION SERIAL NO. Not Assigned	CONFIRM. NO. 6009
		FILING DATE Not Assigned	
INVENTOR(S) Anne-Gaëlle BRACHET et al.	EXAMINER (If known) Not Assigned	ART UNIT (If known) N/A	
TITLE OF APPLICATION METHOD OF PREPARING DNA FRAGMENTS BY SELECTIVE FRAGMENTATION OF NUCLEIC ACIDS AND APPLICATIONS THEREOF			

MAIL STOP: PCT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Dear Sir:

Responsive to the notification dated July 31, 2006, and in compliance with the provisions of 37 C.F.R. 1.497(a) and (b), Applicants submit herewith an executed Declaration in connection with the above-referenced patent application. The Declaration identifies the instant application by its International application number and International filing date.

In addition, Applicants submit herewith a paper copy of the sequence listing, a copy of the sequence listing in computer readable form on diskette, a Supplemental Preliminary Amendment directing entry of the Sequence listing into the application, in compliance with the provisions of 37 C.F.R. 1.821-1.825, , and a statement under 37 C.F.R. §1.821 - 1.825.

In addition, Applicants submit herewith 10 sheets of marked-up drawings comprising FIGS. 4-1-4-3, 5-1-5-3, 6-1-6-3 and Fig. 7 in compliance with 37 CFR §1.84 and 37 CFR §1.121(d) which replace the drawings as originally filed with the application on October 18, 2005. Entry is respectfully requested.

S/N 10/553,603

Attorney Docket No. 70078.0017USWO

In view of the foregoing, this application is deemed to be in proper condition for examination on the merits and such favorable action is earnestly solicited.

Respectfully submitted,
MERCHANT & GOULD, P.C.



William E. Begumont
Registration No. 30,996

September 29, 2006

Date

P.O. Box 2903
Minneapolis, Minnesota 55402-0903
Telephone No. (202) 326-0300
Facsimile No. (202) 326-0778

23552

Patent & Trademark Office